



March 20, 2015

ENGROSSED HOUSE BILL No. 1394

DIGEST OF HB 1394 (Updated March 17, 2015 11:08 am - DI 103)

Citations Affected: IC 9-24; IC 9-27.

Synopsis: Supervision of probationary drivers. Amends existing supervised driving requirements to receive a learner's permit or an operator's license. Provides that an individual with a disability who satisfies certain requirements is eligible to receive an operator's license. Repeals a superseded provision concerning probationary operator's licenses. Provides that an operator's license issued to an individual who is less than 21 years of age is a probationary license. (Under current law, the age limit for a probationary license is 18 years of age.) Requires the bureau of motor vehicles to adopt rules to establish minimum hours of instruction for approved driver education courses.

Effective: July 1, 2015.

Soliday, Burton

(SENATE SPONSORS — CRIDER, ARNOLD J, ROGERS)

January 14, 2015, read first time and referred to Committee on Roads and Transportation.
February 5, 2015, amended, reported — Do Pass.
February 9, 2015, read second time, amended, ordered engrossed.
February 10, 2015, engrossed. Read third time, passed. Yeas 93, nays 5.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Homeland Security & Transportation.
March 19, 2015, amended, reported favorably — Do Pass.

EH 1394—LS 7329/DI 103



March 20, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1394

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-3-2.5, AS AMENDED BY P.L.85-2013,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2.5. (a) Except as provided in section 3 of this
4 chapter, an individual must satisfy the requirements set forth in one (1)
5 of the following subdivisions to receive an operator's license:
6 (1) The individual meets the following conditions:
7 (A) Is at least sixteen (16) years and ~~one hundred eighty (180)~~
8 **ninety (90)** days of age.
9 (B) Has held a valid learner's permit for at least one hundred
10 eighty (180) days.
11 (C) Obtains an instructor's certification that the individual has
12 satisfactorily completed an approved driver education course.
13 (D) Passes the required examination.
14 (E) Completes at least fifty (50) hours of supervised driving
15 practice, of which at least ten (10) hours are nighttime driving,

EH 1394—LS 7329/DI 103



- 1 with:
- 2 (i) a licensed instructor or a licensed driver, with valid
- 3 driving privileges, who is at least twenty-five (25) years of
- 4 age; or
- 5 (ii) the spouse of the individual who is a licensed driver with
- 6 valid driving privileges and is at least twenty-one (21) years
- 7 of age; **as provided in subsection (b).**
- 8 (2) The individual meets the following conditions:
- 9 (A) Is at least sixteen (16) years and two hundred seventy
- 10 (270) days of age.
- 11 (B) Has held a valid learner's permit for at least one hundred
- 12 eighty (180) days.
- 13 (C) Passes the required examination.
- 14 (D) Completes at least fifty (50) hours of supervised driving
- 15 practice, of which at least ten (10) hours are nighttime driving,
- 16 with:
- 17 (i) a licensed instructor or a licensed driver, with valid
- 18 driving privileges, who is at least twenty-five (25) years of
- 19 age; or
- 20 (ii) the spouse of the individual who is a licensed driver with
- 21 valid driving privileges and is at least twenty-one (21) years
- 22 of age; **as provided in subsection (b).**
- 23 (3) The individual meets the following conditions:
- 24 (A) Is at least sixteen (16) years and one hundred eighty (180)
- 25 days of age but less than eighteen (18) years of age.
- 26 (B) Has previously been a nonresident of Indiana, but, at the
- 27 time of application, qualifies as an Indiana resident.
- 28 (C) Has held a valid driver's license, excluding a learner's
- 29 permit or the equivalent, in the state or a combination of states
- 30 in which the individual formerly resided for at least one
- 31 hundred eighty (180) days.
- 32 (D) Passes the required examinations.
- 33 (4) The individual meets the following conditions:
- 34 (A) Is at least eighteen (18) years of age.
- 35 (B) Has previously been a nonresident of Indiana but, at the
- 36 time of application, qualifies as an Indiana resident.
- 37 (C) Held a valid driver's license, excluding a learner's permit
- 38 or the equivalent, from the state of prior residence.
- 39 (D) Passes the required examinations.
- 40 **(5) The individual meets the following conditions:**
- 41 **(A) Is at least eighteen (18) years of age.**
- 42 **(B) Is a person with a disability.**



(C) Has successfully completed driver rehabilitation training by a certified driver rehabilitation specialist recognized by the bureau.

(D) Passes the required examinations.

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must do the following:

(1) If the applicant is less than eighteen (18) years of age, complete the practice driving with:

(A) a licensed driver, with valid driving privileges, who is:

(i) at least twenty-five (25) years of age; and

(ii) related to the applicant by blood, marriage, or legal status;

(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age; or

(C) an individual with valid driving privileges who:

(i) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or

(ii) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver rehabilitation program.

(2) If the applicant is at least eighteen (18) years of age, complete the driving practice with:

(A) a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or

(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age.

(3) Submit to the commission under IC 9-24-9-2(c) evidence of the time logged in practice driving.

SECTION 2. IC 9-24-7-4, AS AMENDED BY P.L.85-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle or commercial motor vehicle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied **in the seat beside the holder** by a ~~certified driver education instructor or student teacher in the front seat of a motor vehicle equipped with dual controls.~~ **an individual with valid driving privileges who:**



- 1 (A) is licensed as a driver education instructor under
 2 IC 9-27-6-8 and is working under the direction of a driver
 3 training school described in IC 9-27-6-3(a)(2); or
 4 (B) is a certified driver rehabilitation specialist recognized
 5 by the bureau who is employed through a driver
 6 rehabilitation program.
- 7 (2) While the holder is participating in practice driving after
 8 having commenced an approved driver education course and the
 9 seat beside the holder is occupied by a licensed driver with valid
 10 driving privileges who is at least:
- 11 (A) twenty-five (25) years of age **and related to the applicant**
 12 **by blood, marriage, or legal status;** or
 13 (B) if the licensed driver is the holder's spouse, twenty-one
 14 (21) years of age.
- 15 (3) If the holder is not participating in an approved driver
 16 education course, and is less than eighteen (18) years of age, the
 17 holder may participate in practice driving if the seat beside the
 18 holder is occupied by a ~~licensed driver with valid driving~~
 19 ~~privileges an individual~~ who is: at least:
- 20 (A) ~~twenty-five (25) years of age;~~ or
 21 (B) ~~if the licensed driver is the holder's spouse, twenty-one~~
 22 ~~(21) years of age.~~
- 23 (A) a licensed driver, with valid driving privileges, who is:
 24 (i) at least twenty-five (25) years of age; and
 25 (ii) related to the applicant by blood, marriage, or legal
 26 status;
 27 (B) the spouse of the applicant who is:
 28 (i) a licensed driver with valid driving privileges; and
 29 (ii) at least twenty-one (21) years of age; or
 30 (C) an individual with valid driving privileges who:
 31 (i) is licensed as a driver education instructor under
 32 IC 9-27-6-8 and is working under the direction of a
 33 driver training school described in IC 9-27-6-3(a)(2); or
 34 (ii) is a certified driver rehabilitation specialist
 35 recognized by the bureau who is employed through a
 36 driver rehabilitation program.
- 37 (4) If the holder is not participating in an approved driver
 38 education course, and is at least eighteen (18) years of age, the
 39 holder may participate in practice driving if accompanied in the
 40 **front seat of the vehicle by an individual who is:**
 41 (A) a licensed driver, with valid driving privileges, who is at
 42 least ~~twenty-one (21)~~ **twenty-five (25)** years of age; or



(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age.

SECTION 3. IC 9-24-11-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 3: (a) This section applies to a probationary operator's license issued before July 1, 2009:

(b) A license issued to an individual less than eighteen (18) years of age is a probationary license:

(c) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2:

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:

(A) who is at least twenty-one (21) years of age and holds a valid operator's license issued under this article; or

(B) who is the parent, guardian, or stepparent of the individual holding a probationary license and who is at least twenty-one (21) years of age;

is present in the front seat of the motor vehicle:

(3) The individual may operate a motor vehicle only if:

(A) a safety belt is properly fastened about the body of the individual; and

(B) a safety belt is properly fastened about the body of each occupant of the motor vehicle;

at all times when the motor vehicle is in motion:

(d) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age:

(e) Except as provided in subsection (f), a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed:

(f) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or



(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires;

(B) At midnight of the ~~twenty-first birthday of the holder~~.

SECTION 4. IC 9-24-11-3.3, AS AMENDED BY P.L.85-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.3. (a) This section applies to a probationary operator's license issued after June 30, 2009.

(b) A license issued to or held by an individual less than ~~eighteen~~ **(18) twenty-one (21)** years of age is a probationary license. An individual holds a probationary license subject to the following conditions:

(1) Except as provided in subdivision (3), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

(2) Except as provided in subdivision (3), after one hundred eighty (180) days after issuance of the probationary license, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) The individual may operate a motor vehicle during the periods described in subdivisions (1) and (2) if the individual operates the motor vehicle while:

(A) participating in, going to, or returning from:

(i) lawful employment;

(ii) a school sanctioned activity; or

(iii) a religious event; or

(B) accompanied **in the front seat of the motor vehicle** by a licensed driver with valid driving privileges who is:

(i) at least twenty-five (25) years of age; or

(ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(4) The individual may not operate a motor vehicle while using a telecommunications device until the individual becomes ~~eighteen~~ **(18) twenty-one (21)** years of age unless the telecommunications



device is being used to make a 911 emergency call.

(5) Except as provided in subdivision (6), during the one hundred eighty (180) days after the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers until the individual becomes ~~eighteen (18)~~ **twenty-one (21)** years of age unless accompanied in the front seat of the motor vehicle by:

(A) a certified driver education instructor; or

(B) a licensed driver with valid driving privileges who is:

(i) at least twenty-five (25) years of age; or

(ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(6) The individual may operate a motor vehicle and transport:

(A) a child or stepchild of the individual;

(B) a sibling of the individual, including step or half siblings;

(C) the spouse of the individual; or

(D) any combination of individuals described in clauses (A) through (C);

without another accompanying individual present in the motor vehicle.

(7) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle are:

(A) properly restrained by a properly fastened safety belt; or

(B) if the occupant is a child, restrained in a properly fastened child restraint system according to the manufacturer's instructions under IC 9-19-11;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section **for at least one hundred eighty (180) days** may be eligible to receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in ~~IC 9-24-12-1(e)~~, **IC 9-24-12-1(d)**, a probationary license issued under this section:

(1) expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder; and

(2) may not be renewed.

(e) **Nothing in this section limits the authority of a court to require an individual who holds a probationary license to attend and complete:**

(1) a driver safety program under IC 9-30-3-12; or



(2) a driver improvement or safety course under IC 9-30-3-16; if the individual is otherwise eligible or required to attend the program or course.

SECTION 5. IC 9-24-12-1, AS AMENDED BY P.L.103-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Notwithstanding subsection (c) and except as provided in subsection (b) and sections 10, 11, and 12 of this chapter, the expiration date of an operator's license that is the renewal license for a license that contains a 2012 expiration date is as follows:

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the renewal license expires at midnight on the birthday of the holder that occurs in 2017.

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the renewal license expires at midnight on the birthday of the holder that occurs in 2018.

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the renewal license expires at midnight on the birthday of the holder that occurs in 2016.

(b) Except as provided in sections 10, 11, and 12 of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (a), (b), ~~(d)~~, and ~~(f)~~ (e) and sections 10, 11, and 12 of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(d) A probationary operator's license issued under IC 9-24-11-3 expires in accordance with IC 9-24-11-3(e).~~

~~(e)~~ (d) A probationary operator's license issued under IC 9-24-11-3.3 to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the



1 twenty-first birthday of the holder.

2 ~~(f)~~ **(e)** Except as provided in subsection ~~(e)~~; **(d)**, a probationary
3 operator's license issued under IC 9-24-11-3.3 expires at midnight of
4 the date thirty (30) days after the twenty-first birthday of the holder.

5 SECTION 6. IC 9-27-6-11, AS AMENDED BY P.L.85-2013,
6 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2015]: Sec. 11. In addition to adopting rules under sections
8 6(b), 8(b), and 9(b) of this chapter, the bureau shall adopt rules under
9 IC 4-22-2 concerning the following:

10 (1) Methods and procedures for the investigation and evaluation
11 of the qualifications of individuals applying for licenses under
12 sections 6 and 8 of this chapter.

13 (2) The criteria upon which to issue, deny, suspend, renew, and
14 revoke licenses under section 10 of this chapter, including
15 requirements for continuing education for instructors.

16 (3) Procedures for:

17 (A) the investigation into potential grounds for; and

18 (B) conduct of hearings on;

19 the issuance, renewal, cancellation, suspension, or revocation of
20 a license.

21 (4) Standards for classroom and in-car driver education
22 curriculum (including classroom instruction, Internet instruction,
23 and practice driving) and equipment. Classroom instruction
24 standards established under this subdivision must provide for
25 instruction about:

26 (A) railroad-highway grade crossing safety; and

27 (B) the procedure for participation in the human organ donor
28 program;

29 and must limit classroom instruction to students at least fifteen
30 (15) years of age.

31 (5) Limitations on the number of:

32 (A) hours an instructor may teach in a day; and

33 (B) classroom and driving hours in which a driver education
34 student may participate during a day.

35 (6) Programs to improve parental involvement in driver
36 education.

37 (7) Establishment and maintenance of standards for instructors of
38 driver education, including:

39 (A) secondary school driver education instructors;

40 (B) driver training school instructors; and

41 (C) higher education driver education instructors.

42 **(8) Minimum hours of instruction for an approved driver**



- 1 **education course that include:**
- 2 **(A) thirty (30) hours of classroom or online training; and**
- 3 **(B) six (6) hours of behind-the-wheel training.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1394, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "a".

Page 3, line 2, delete "program" and insert **"training by a certified driver rehabilitation specialist"**.

Page 3, line 20, after "specialist" insert **"recognized by the bureau who is"**.

Page 3, line 21, delete "program recognized by" and insert **"program."**.

Page 3, delete line 22.

Page 4, line 3, after "specialist" insert **"recognized by the bureau who is"**.

Page 4, line 4, delete "program recognized by the" and insert **"program."**.

Page 4, delete line 5.

Page 4, line 33, after "specialist" insert **"recognized by the bureau who is"**.

Page 4, line 34, delete "program recognized by" and insert **"program."**.

Page 4, delete line 35.

and when so amended that said bill do pass.

(Reference is to HB 1394 as introduced.)

SOLIDAY

Committee Vote: yeas 11, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1394 be amended to read as follows:

Page 3, line 39, after "accompanied" insert "**in the seat beside the holder**".

Page 4, line 39, after "the" insert "**front seat of the**".

Page 6, line 35, after "accompanied" insert "**in the front seat of the motor vehicle**".

(Reference is to HB 1394 as printed February 6, 2015.)

BROWN C

 COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1394, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 1, after "driving," insert " ".

Page 9, after line 4, begin a new paragraph and insert:

"SECTION 6. IC 9-27-6-11, AS AMENDED BY P.L.85-2013, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. In addition to adopting rules under sections 6(b), 8(b), and 9(b) of this chapter, the bureau shall adopt rules under IC 4-22-2 concerning the following:

(1) Methods and procedures for the investigation and evaluation of the qualifications of individuals applying for licenses under sections 6 and 8 of this chapter.

(2) The criteria upon which to issue, deny, suspend, renew, and revoke licenses under section 10 of this chapter, including requirements for continuing education for instructors.

(3) Procedures for:

(A) the investigation into potential grounds for; and

(B) conduct of hearings on;

the issuance, renewal, cancellation, suspension, or revocation of a license.

(4) Standards for classroom and in-car driver education curriculum (including classroom instruction, Internet instruction, and practice driving) and equipment. Classroom instruction

EH 1394—LS 7329/DI 103



standards established under this subdivision must provide for instruction about:

- (A) railroad-highway grade crossing safety; and
 - (B) the procedure for participation in the human organ donor program;
- and must limit classroom instruction to students at least fifteen (15) years of age.
- (5) Limitations on the number of:
- (A) hours an instructor may teach in a day; and
 - (B) classroom and driving hours in which a driver education student may participate during a day.
- (6) Programs to improve parental involvement in driver education.
- (7) Establishment and maintenance of standards for instructors of driver education, including:
- (A) secondary school driver education instructors;
 - (B) driver training school instructors; and
 - (C) higher education driver education instructors.

(8) Minimum hours of instruction for an approved driver education course that include:

- (A) thirty (30) hours of classroom or online training; and**
- (B) six (6) hours of behind-the-wheel training."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1394 as reprinted February 10, 2015.)

YODER, Chairperson

Committee Vote: Yeas 7, Nays 0.

